IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1924 OF 2005

IN

SUIT NO.1375 OF 2004

...

Vatsala Bhanudas Gaikad ...Plaintiff to counter claim

v/s.

Mohan Dinkar Gaikwad & ors. ...Defendants

...

Mr.B.G.Saraf for the Plaintiff to counter claim.

None for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD NOVEMBER,2006

P.C.:

This Notice of Motion is taken out by the Plaintiff in the counter claim. The learned Counsel appearing for the Plaintiff states that he does not press for any interim order in terms of prayer clauses (a) & (b). Perusal of prayer clauses (c) and (d) shows that they are identical to the prayer clauses (c) & (d) of the counter claim. By prayer clauses (c) & (d) of the counter claim the Plaintiff is praying for final decree in payment of mesne profit at the rate of Rs.12,000/- per month and a sum of Rs.69,000/- towards rent of alternate accommodation.

2. Thus, interim order in the same terms as final order in the counter claim is claimed. Settled law is that interim order which grants final relief cannot be made. Motion is, therefore, disposed of.

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